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 6 UNITED GENETICS TURKEY TOHUM FIDE A.S.,
 formerly known as TAT TOHUMCULUK A. S.

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 8
 9 **IN THE UNITED STATES DISTRICT COURT**
 10 **FOR THE EASTERN DISTRICT OF CALIFORNIA,**

11 UNITED GENETICS TURKEY TOHUM)
 FIDE A.S., formerly known as TAT)
 12 TOHUMCULUK A. S., a Turkish company,)

13 Plaintiff,)

14 v.)

15 H.J. HEINZ COMPANY, L.P., a)
 Pennsylvania Limited Partnership registered)
 16 to do business in California, and)
 HEINZSEED, an unincorporated division of)
 17 H.J. HEINZ COMPANY, L.P,)

18 Defendants.)
 19)

CASE NO. 2:13-cv-00773-WBS-KJN

**STIPULATION AND ~~PROPOSED~~ ORDER
 TO FILE THIRD AMENDED COMPLAINT**

Complaint filed April 19, 2013

Honorable William B. Shubb

20 Plaintiff UNITED GENETICS TURKEY TOHUM FIDE A.S., formerly known as TAT
 21 TOHUMCULUK A. S. ("Plaintiff") and Defendants H.J. HEINZ COMPANY, L.P. and HEINZSEED,
 22 an unincorporated division of H.J. HEINZ COMPANY, L.P. (collectively, "Defendants") (collectively,
 23 the "Parties") hereby submit, through their undersigned counsel of record, the following Stipulation and
 24 Proposed Order:

25 WHEREAS, currently the operative complaint in this matter is the Second Amended Complaint
 26 filed by Plaintiff on December 4, 2013 (the "Second Amended Complaint");¹

27 _____
 28 ¹ ECF No. 36.

1 WHEREAS, on January 31, 2014, Plaintiff changed its name from TAT TOHUMCULUK A.S.
2 to UNITED GENETICS TURKEY TOHUM FIDE A.S., as reflected in the corporate documents
3 attached hereto as **Exhibit “A”** and incorporated herein by reference;²

4 WHEREAS, Plaintiff has amended its Second Amended Complaint to change Plaintiff’s name
5 accordingly and a redlined version of Plaintiff’s proposed Third Amended Complaint (the “Proposed
6 Third Amended Complaint”) as compared to the Second Amended Complaint is attached hereto as
7 **Exhibit “B”** and incorporated herein by reference;

8 WHEREAS, a clean version of Plaintiff’s Proposed Third Amended Complaint is attached
9 hereto as **Exhibit “C”** and incorporated herein by reference;

10 WHEREAS, Defendants have agreed to allow Plaintiff, upon this Court’s approval, to file its
11 Proposed Third Amended Complaint without having to file a motion to do so;

12 WHEREAS, Plaintiff has agreed that Defendants will not need to file an answer to the Proposed
13 Third Amended Complaint and that Defendants’ Answer to Plaintiff’s Second Amended Complaint³
14 (the “Answer”) will remain the operative answer to the Proposed Third Amended Complaint;

15 THEREFORE, IT IS HEREBY STIPULATED between counsel for Defendants and counsel for
16 Plaintiff that Plaintiff be allowed to file its Proposed Third Amended Complaint and that Defendants’
17 Answer will stand as Defendants’ answer to the Proposed Third Amended Complaint.

18 SO STIPULATED.

19
20 Dated: February 13, 2014

ANASTASSIOU & ASSOCIATES

21 By: /s/ Effie F. Anastassiou
22 Effie F. Anastassiou, Esq.,
23 Attorneys for United Genetics Turkey
24 Tohum Fide A.S., formerly known as Tat
25 Tohumculuk A.S.

26 _____
27 ² The corporate documents concerning the name change are in the Turkish language, but are
immediately followed by an English translation of the corporate documents.

28 ³ ECF No. 37.

1 Dated: February 13, 2014

REED SMITH LLP

3 By: s/ Andrew Amoroso
4 Andrew Amoroso, Esq.
5 Attorneys for Defendant
6 H.J. Heinz Company, L.P., and HeinzSeed,
an unincorporated division of H.J. Heinz
Company, L.P.


7 **ORDER**

8 Appearing that good cause exists pursuant to the foregoing stipulation of the Parties, IT IS
9 HEREBY ORDERED that Plaintiff UNITED GENETICS TURKEY TOHUM FIDE A.S., formerly
10 known as TAT TOHUMCULUK A. S. ("Plaintiff"), be and hereby is allowed to file its Third Amended
11 Complaint in the form attached to the Stipulation and [Proposed] Order to File Third Amended
12 Complaint as **Exhibit "C"**.

13 IT IS FURTHER ORDERED that Defendants' Answer to Plaintiff's Second Amended
14 Complaint⁴ will stand as Defendants' answer to Plaintiff's Third Amended Complaint.

15 SO ORDERED.

16 DATED: February 18, 2014

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18 WILLIAM B. SHUBB
19 UNITED STATES DISTRICT JUDGE

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28 ⁴ ECF No. 37.
Tat Tohumculuk v. Heinz Seed
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